

ORIGINAL

Of Counsel:

ALSTON HUNT FLOYD & ING
Attorneys At Law
A Law Corporation

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

PAUL ALSTON 1126-0
BRUCE H. WAKUZAWA 4312-0
GLENN T. MELCHINGER 7135-0
JASON H. KIM 7128-0

MAY 29 2007 AJ
at 8 o'clock and 10 min. P.M.
SUE BEITIA, CLERK

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Attorneys for Plaintiff and
Third-Party Defendants
the Sport Shinko Companies

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO (USA) CO., LTD., a Delaware corporation,) CIVIL NO. 04-00126
ACK/BMK)

Plaintiff,) **NOTICE OF APPEAL**

)
vs.)
)

KIAHUNA GOLF CLUB, LLC, a Hawaii limited liability company;)
KG KAUAI DEVELOPMENT, LLC,)
a Hawaii limited liability)

company; PUKALANI GOLF)
CLUB, LLC, a Hawaii limited)
liability company; KG MAUI)
DEVELOPMENT, LLC, a Hawaii)
limited liability company;)
MILILANI GOLF CLUB, LLC, a)
Hawaii limited liability company;)
QK HOTEL, LLC, a Hawaii)
limited liability company; OR)
HOTEL, LLC, a Hawaii limited)
liability company; KG)
HOLDINGS, LLC, a Hawaii)
limited liability company;)
FRANKLIN K. MUKAI,)
)

Defendants,)
)

and)
)

FRANKLIN K. MUKAI; KIAHUNA)
GOLF CLUB, LLC, a Hawaii)
limited liability company; KG)
KAUAI DEVELOPMENT, LLC, a)
Hawaii limited liability company;)
PUKALANI GOLF CLUB, LLC, a)
Hawaii limited liability company;)
KG MAUI DEVELOPMENT, LLC,)
a Hawaii limited liability)
company; MILILANI GOLF CLUB,))
LLC, a Hawaii limited liability)
company; QK HOTEL, LLC, a)
Hawaii limited liability company;)
OR HOTEL, LLC, a Hawaii)
limited liability company; KG)
HOLDINGS, LLC, a Hawaii)
limited liability company;)
)

Third-Party Plaintiffs,)
)
 vs.)
)
 SPORTS SHINKO (KAUAI) CO.,)
 LTD., a Hawaii corporation;)
 SPORTS SHINKO (WAIKIKI))
 CORPORATION, a Hawaii)
 corporation; SPORTS SHINKO)
 (MILILANI) CO., LTD., a Hawaii)
 corporation; SPORTS SHINKO)
 (PUKALANI) CO., LTD., a Hawaii)
 corporation; SPORTS SHINKO)
 (HAWAII) CO., LTD., a Hawaii)
 corporation; SPORTS SHINKO)
 RESORT HOTEL CORPORATION,)
 a Hawaii corporation,)
)
 Third-Party)
 Defendants,)
)
 and)
)
 SPORTS SHINKO (HAWAII) CO.,)
 LTD., a Hawaii corporation; and)
 SPORTS SHINKO (KAUAI) CO.,)
 LTD., a Hawaii corporation,)
)
 Third-Party)
 Defendants/)
 Counterclaimants,)
)
 vs.)
)
 KIAHUNA GOLF CLUB, LLC, a)
 Hawaii limited liability company;)
 KG KAUAI DEVELOPMENT, LLC,)

a Hawaii limited liability)
company; PUKALANI GOLF)
CLUB LLC, a Hawaii limited)
liability company; KG MAUI)
DEVELOPMENT, LLC, a Hawaii)
limited liability company; QK)
HOTEL, LLC, a Hawaii limited)
liability company; OR HOTEL,)
LLC, a Hawaii limited liability)
company; KG HOLDINGS, LLC, a)
Hawaii limited liability company;)
FRANKLIN K. MUKAI,)
)
)
Third-Party)
Counterclaim)
Defendants.)
)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff and Third-Party Defendants, by and through their attorneys, Alston Hunt Floyd & Ing, hereby appeal to the United States Court of Appeal for the Ninth Circuit from the Order Granting KG Defendants' Motion to Dismiss Civ. Nos. 04-00125 ACK-BMK, 04-00126 ACK-BMK, and 04-00128 ACK-BMK for Lack of Subject Matter Jurisdiction, entered April 5, 2007 and the Judgment in Civ. No. 04-00126 ACK-CMK entered on April 10, 2007 pursuant to that Order, as modified

by the Order Granting Motion to Alter or Amend Judgment in Civ.
No. 04-00126 ACK-BMK entered May 1, 2007.

DATED: Honolulu, Hawai`i, May 29, 2007.



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Attorneys for Plaintiff and
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